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SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 November 1998, at 10 a.m.

Chairperson: Mr. ALSTON

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GE.98-19706 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Israel (E/1990/5/Add.39; E/C.12/Q/ISR/1; in-session document with no symbol containing the replies of the Government of Israel to questions raised on the list of issues)

1. The CHAIRPERSON said that the small working group which had met the previous evening had decided that the delegation should first reply to the questions that had been put concerning closure (questions 12-16 on the list of issues). The Committee's Rapporteur would then identify the six key issues on which it would like to hear replies from the delegation.

2. At the invitation of the Chairperson, the delegation of Israel resumed their places at the Committee table.

3. Mr. BLASS (Israel), replying to the question about the murder in 1994 of Palestinians by an Israeli at the Tomb of the Fathers in Hebron, said that the Israeli authorities had decided to impose closure on Hebron in the wake of that tragic event because they feared Palestinian reprisals.

4. With regard to food shortages at times of closure, in recent years, and particularly since September 1997, the Israeli authorities had made every effort to permit the free movement of goods and products into and out of the Gaza Strip and the West Bank at times when they were subject to closure. Moreover, Israeli data showed that since September 1997 a significant increase had occurred in the movement of products from those two territories to Israel, Jordan and elsewhere.

5. The question of family reunification in the territories mainly affected those inhabitants of the territories who married foreigners, lived abroad for some years, and then wished to return to the territories with their families, who were technically citizens of another country. The number of such requests posed a serious immigration problem for the authorities. During the negotiations on the Interim Agreement, the PLO and Israel had decided that they would deal with such matters jointly.

6. Since 1995, the two sides had set a quota of 2,000 in each territory for such requests - the number of persons involved being actually far greater. While the Gaza Strip quota had been fully taken up from the beginning, the Palestinian population of the West Bank had at first rejected the procedure, which involved the Palestinian side's submitting the names of approved persons to the Israelis. The two sides had agreed on a new procedure in 1997, when it had also been agreed that the West Bank quotas not taken up in 1995 and 1996 would be made available from 1997. There was thus a backlog of applications relating to the West Bank that was still being processed.

7. In any case, the Israeli part of the approval process involved merely technical procedures relating to security, the Palestinian side being

responsible for the major part of the process. Special arrangements also existed in respect of some 900 foreign families who had petitioned to settle in the West Bank before 1993. On the whole, he was confident that the existing procedure addressed most of the problems relating to family reunification in the West Bank and the Gaza Strip. Naturally, resolving issues relating to family reunification was not the same as dealing with the far greater refugee problem resulting from the conflicts of 1948 and 1967; that must be solved bilaterally during the Final Status negotiations.

8. He was not convinced that closure could have led to price increases, higher disease rates, or an increase in child labour, as suggested by members of the Committee. In 1998 closures had so far occurred only in September, largely as a result of the new policy implemented since September 1997; Mr. Riedel's question about closures since March 1998 could also be answered by reference to that policy.

9. The closures which sometimes had to be applied did not serve the interests of either Israelis or Palestinians. Israel sought to minimize their effects, and to deal with specific problems immediately they occurred, either through the courts or in direct dialogue with the Palestinian authorities.

10. During the past year, closures had not prevented Palestinians from the Gaza Strip and the West Bank from going to their jobs in Israel. The latest (1998) version of the special report on workers in the occupied territories prepared annually by the Director-General of the International Labour Organization (ILO) since 1980 showed that the average gross earnings of such workers were increasing, and that their numbers were growing. In 1998, for the first time, the report simply described the situation and made no explicit recommendations - a clear sign that matters were improving.

11. Mr. ATLAN (Israel) said that the latest special report, with its emphasis on a descriptive approach that eschewed the making of specific recommendations, was an encouraging indication that organizations were adopting a more balanced approach in evaluating Israel's efforts to deal with difficult problems. He hoped that other committees concerned with such matters in the territories would adopt a similar approach.

12. The CHAIRPERSON said it was his understanding that recommendations had not been included in the text of the latest ILO special report because it had been decided that any conclusions having political implications were now the responsibility of the competent expert committee.

13. Mr. ATLAN (Israel) said he believed that the different format of the latest report reflected a change of perspective rather than a change in procedure.

14. Mr. BLASS (Israel), replying to questions concerning the possibility of obtaining medical treatment during closures, said that the question had been before Israel's Supreme Court on at least two recent occasions. Inhabitants of the West Bank who worked at a hospital in Jerusalem had been issued with permits to receive treatment there, even at times of closure, in response to a petition by the hospital on their behalf. In addition, Israeli soldiers had been ordered to give the benefit of the doubt to Palestinians wishing to be

allowed through road blocks in order to receive medical treatment. At least one case now pending in the Israeli courts concerned military policemen who had not permitted such access, despite the validity of the request made. It was not Israel's policy to refuse such legitimate requests for medical treatment.

15. The CHAIRPERSON invited the Committee's Rapporteur, Mrs. Bonoan-Dandan, to outline the six key issues on which the Committee would like to hear the delegation's replies.

16. Mrs. BONOAN-DANDAN said that the first key issue was the permanent residency law. Most of the 180,000 Palestinian residents of East Jerusalem were classified as permanent residents rather than citizens. That meant they were regarded as virtual immigrants in a place which they had inhabited since long before 1967, when Israel had entered East Jerusalem. Although the Government of Israel's reply to the relevant question in the list of issues described the policy and procedures that applied to all permanent residents of the State of Israel, it failed to mention that an unpublished directive issued in December 1995 had retroactively changed the policy in respect of Palestinians in Jerusalem, with the effect that those who had not resided continuously within the municipality of Jerusalem could lose their right to live in the city, even if they had been away for less than seven years and had not become permanent residents or citizens of another country. She asked the delegation to clarify that situation, and to explain whether the change also affected other residents of the State of Israel.

17. The second issue was the Law of Return, which permitted any Jew from anywhere in the world to migrate to Palestine and at the same time enjoy the right of Israeli residence and citizenship. Despite the Israeli Government's assurances that Palestinians might also benefit from the Law of Return, the general perception persisted that the law prohibited any Palestinian, whether Christian or Muslim, from returning to his homeland. What were the exacerbating factors in that contradictory situation, and what was the Government doing to correct that perception?

18. The third key issue was land use and housing. By 1997, some 165,000 Jews had settled in East Jerusalem, equalling the number of Palestinian residents. Since 1967, Israel had subsidized 60,000 housing units for Jews in East Jerusalem, compared with only 500 units for Palestinians, the last of which had been approved over 20 years previously. Israel had also demolished Palestinian homes in the city, at an average rate of 50 per year.

19. Over the past decade the Israeli Government's demolition policy had made over 10,800 Palestinians homeless. Their homes were being destroyed because they did not possess residence permits, which were expensive and took many years to process. Families had no choice but to build illegally, which meant that they lived in constant fear of losing everything.

20. In 1996, 108 construction permits had been issued to a Palestinian population of 170,000, though the community required 21,000 housing units merely to meet existing needs. Finally, although they comprised one third of Jerusalem's population, Palestinians received only 7 per cent of municipal funds.

21. How did the Government of Israel explain all those discriminatory practices against Palestinians, which also violated article 11 of the Covenant?

22. The fourth issue was unrecognized villages. The Government had claimed that planning in respect of previously unrecognized villages was a long process. Could the delegation explain why the Government seemed capable of establishing a number of Jewish settlements every year, but was unable to apply the same vigour to projects for electrification and the establishment of water systems and schools in Arab villages whose occupants were Israeli citizens, had equal rights and paid their taxes just like other Israelis? What did the Government intend to do to alleviate the subhuman living conditions of the Bedouin who had been placed in camps alongside a rubbish dump in Abudis? What specific measures was the Government planning for the Bedouin who had been forced to move from the Negev desert to overcrowded townships such as Rahat, where 80 per cent of the families lived below the poverty line and unemployment was estimated at 67 per cent? Finally, were the Bedouin granted tenure for their dwellings, and could they pass them on to their children?

23. The fifth key issue was education. Israel's State Comptroller had repeatedly criticized the discrimination in the allocation of resources for Arab education, which had led to significant qualitative differences between Arab and Jewish levels of education. To what extent had the Government addressed that problem, and to what extent were Arabs permitted to shape their educational system according to the collective and individual interests of the Arab community?

24. The final key issue was health care. One of the objectives of the legislation enacted under the National Health Insurance Law of 1994 was to guarantee the right to health care. However, the 1998 "Arrangements Law" seemed to have eroded the principles of universality and equality enshrined in the earlier legislation. The Committee would like to know more about the operation of the Arrangements Law, with particular reference to its positive effects in regard to the rights referred to in article 12 of the Covenant.

25. Mr. BLASS (Israel), replying on the first key issue, said that after the 1967 war the Palestinians living in Jerusalem had been given the option of becoming Israeli citizens. The law still offered them that option, and it was not the Israeli Government's intention to force them to become citizens.

26. Mrs. BONOAN-DANDAN said the Committee was more concerned with the fact that the unpublished directive she had mentioned entirely altered the status of the Palestinians living in Jerusalem.

27. Mr. BLASS (Israel) said that the regulations to which Mrs. Bonoan-Dandan referred had in fact been published in 1986. They provided that the right to permanent residency expired when a person lived outside the State of Israel for more than seven years. Those regulations fully accorded with the earlier Entry into Israel Law. Thus, although the issue had been raised in 1995, the relevant directive had been issued much earlier. In response to petitioning

by an NGO, judgement on the matter was pending in the Israeli Supreme Court. The regulations applied to all permanent residents in Israel, and not simply to Palestinians living in Jerusalem.

28. Concerning the second key issue, the aim of the Law of Return was to enable Jews from all over the world to settle in Israel. As such, it concerned solely Jews. Whether returning Palestinians could become Israeli citizens was a policy question on which Israel took decisions as a sovereign State, in accordance with the relevant laws and principles, like any other country.

29. In regard to land use and housing, it was an undeniable fact that over 100,000 Israeli Jews had come to live within the larger boundaries of Jerusalem after 1967. Although a considerable part of the building to accommodate that influx was on land expropriated from resident Arabs, much had also been taken from Jews who happened to own land where new neighbourhoods were to be built. In the case of the most recent neighbourhood building project, most of the land had been expropriated from Jewish owners, sometimes from the Jewish National Fund itself. An appeal to the Supreme Court for reversal of those expropriations had been rejected. Since 1967, although he did not have exact figures, many thousands of buildings had been erected for Palestinian occupation in East Jerusalem, both legally and illegally, which were in no danger of demolition.

30. He found the figure that had been given of 10,000 homeless in Jerusalem difficult to comprehend, since there was no visible presence of homeless persons living on the streets. The number of houses demolished in recent years was less than the 50 claimed. Out of 80 demolition orders issued, no more than 10 to 20 would be executed. The building permit situation was indeed unsatisfactory, but the problem lay in the former land registry system, which made it difficult to prove ownership of land, without which a building permit could not be issued. Plans were under way to improve the situation and facilitate the issue of building permits. Although the difficulty in obtaining permits had led to considerable illegal building, the authorities were generally lenient in their approach, since they had no wish to provoke public protests, and did not issue demolition orders unless a building conflicted with a specific public interest, as for example when a house was built on land set aside for the construction of a road and failure to demolish would only encourage further illegal building there. It would be impossible to manage a municipality without such provisions. Illegal building was also a problem in the Jewish sector of Jerusalem. Programmes were under way to legalize buildings that had been erected illicitly, but such action was not always possible. In 1997, the Israeli Government had made a large sum of money available to the Jerusalem authorities to improve the city's infrastructure - roads, sewerage, electricity - particularly in its eastern part. More funds for that purpose were needed and it was expected that the Government would supply them.

31. Mr. ATLAN (Israel) asked what had been the source of the figure quoted by Mrs. Bonoan-Dandan for the homeless in Jerusalem. The presence of some 10,000 homeless in a city with a population of 600,000 could not fail to be very conspicuous, but no problem on that scale was visible.

32. The CHAIRPERSON said that presumably the figure applied to persons who had lost their homes but were not necessarily without shelter and living on the street.

33. Mrs. BONOAN-DANDAN said that the figure of 10,000 was applicable to a 10-year period. She herself had, in May 1998, personally met a number of homeless families in Jerusalem who were living in tents with services provided by international agencies.

34. Mr. BLASS (Israel) said that a few families had been living in tents during the past year only, as a form of protest. He did not know all the reasons that might lead people temporarily to refuse to move to a new home, but that did not necessarily make them homeless. Homelessness might be an occasional problem but it was not a generalized phenomenon visible on the streets of Jerusalem. More careful inquiry was needed to ascertain the facts. There was also Palestinian-owned housing lying empty in Jerusalem but unavailable to home seekers because the owners were asking very high rents or waiting for rents to rise.

35. As to why settlements were being established while Arab villages were not being improved, it was always easier to establish a settlement on land where no building yet existed than to plan services for illegally erected villages with buildings already in existence. Efforts had been made over the past three years to provide services for eight formerly unrecognized villages in the north of the country that had now been recognized. Although faster progress would be preferable, it was hoped to finish the project in another year or two. The work of the planning authorities was under constant review and such procedures were expected to move faster in the future.

36. The written replies to the list of issues explained the situation with regard to the Jahalin Bedouin who had been settled in the Negev. At present the lawyer acting for the group was engaged in negotiations with the Israeli Government over the conditions relating to the site allocated to them. The Government was prepared to lease land to members of the group on the basis of 25-year contracts. Roads, electricity and water would be supplied and financial assistance provided. Thus, efforts were being made to solve the humanitarian problem involved. As far as he was aware there was nothing to prevent the Bedouin concerned from passing on their rights to their children. The land in question was State property, public policy throughout Israel being that such land could not be sold, but only leased, to private individuals. Such leases were for a set period of years and were renewable, so there should be no difficulty in children's taking over a lease. If the Committee had evidence to the contrary, he undertook to look into the matter further.

37. Mr. ATLAN (Israel) said he found the figure of 67 per cent unemployment for the village of Rahat astonishing. The highest rate of unemployment in the country generally, found in poorly developed towns, and affecting mainly Jews but also Arabs and Bedouin, was some 14 per cent. The higher figure could be accounted for only if it included not only those on the unemployment register but everyone living in the village but not working. The same yardstick, not the official rate, would have to be applied everywhere to achieve a valid comparison.

38. The most recent information in regard to child care was that 12 nurseries (each caring for some 100 children aged from a few months to four years) had been established during the past three to four years in Arab areas where there had been none before. During the same period, 120 subsidized day-care units, in which a mother took care of up to five children in her home under supervision, had been provided where there had been none before. In the north, 500 day-care units currently existed, 70 per cent of them opened in the past three years, in 58 towns and villages.

39. Mr. SHANY (Israel) said that the lag in the educational field between the Jewish and Arab sectors noted in paragraphs 667-669 of the report was attributable to insufficient funding in the past. Under the five-year programme adopted by the Government in 1991 the funding for the Arab sector had been brought up to the same level as for the Jewish sector. Thirty per cent of the education budget was being allocated to classroom construction in the Arab sector, which represented less than 20 per cent of the population. In addition, a long-school-day programme had been introduced to increase teaching hours in schools, 40 per cent of which were in Arab municipalities and others in towns with mixed populations. Although improvement was marked - the academic level of Arab teachers was now higher than that of their Jewish counterparts - the gap had still not completely closed. The Ministry of Education had established two new commissions to consider infrastructure and the curriculum for Arab education. In general the Arab curriculum was aligned on Arab needs and interests, providing instruction on Arab history and literature as well as other subjects. General history and literature was also taught, as was Jewish history and literature, since knowledge of such matters was considered important for integration within the State. The Arab curriculum was drawn up in consultation with the Arab sector. The head of the Arab Education Department in the Ministry of Education was an Arab, as was the head of the Arab curriculum section. Virtually all teachers, supervisors and inspectors in Arab schools were Arabs. One new trend that affected all schools, Jewish or non-Jewish, was to give individual schools greater control over their curricula and enable them to teach what they wished within a very loose compulsory framework.

40. Mr. BLASS (Israel) said that, with regard to health, the 1994 National Health Insurance Law had introduced mandatory insurance for all in replacement of the previous voluntary system, which had left many people uncovered in case of illness. The new system was funded by a tax deduction from salaries and a government contribution. The health budget for 1998 had been set by the Government at over US$ 3 billion. However, the health funds were having difficulty in meeting all their obligations in view of the ageing of the population, the increase in population and the rising cost of health care. To solve that problem the Government had from September 1998 introduced a series of charges for the provision of health care, which, after the Knesset had set an upper limit on the amount, represented 1 per cent of the health budget, a figure which could not be considered as unreasonable under the provisions of the Covenant. The charges were minimal, of the order of US$ 2.5 per medical prescription or per specialist medical consultation. A detailed list of the charges could be provided to the Committee. A limit was placed on the monthly charge payable by patients with chronic conditions, while the treatment of some long-term diseases and conditions was exempt from charges. The 1994 Law had made health care available to everyone living in Israel, the Arabs being

the main beneficiaries. Implementation of the Law had encouraged the health funds to provide services in Arab villages and in the past three years many clinics had been opened in such villages, where few had existed before.

41. Mr. SADI drew attention to reports from reliable sources about the construction of an atomic bomb and possible radiative leaks from an old nuclear plant in Israel. Furthermore, it appeared that, whenever there was the threat of a conflict with Iraq, gas masks were distributed by Israeli soldiers to Israeli Jews, but not to members of the Arab population in the West Bank, although that territory was still within the Israeli security domain.

42. Despite the worldwide acclamation of Israel's peace agreement with Jordan, Jordanians were still treated as absentee owners by the State of Israel. That was hardly conducive to the peaceful coexistence of the two countries.

43. Arabs in Israel still lived in ghettos. Was it possible, not in legal terms but de facto, for an Arab to buy property or live in Western Jerusalem? Lastly, did the Israeli delegation believe that refugees could invoke the provisions of the Covenant in claims relating to the repatriation or repossession of property?

44. Mr. BLASS (Israel) said he could not throw any light on the reports about the atomic bomb or the nuclear plant. If, however, such reports had any foundation, the consequences would be equally serious for Jews and Arabs alike. As for the question of gas masks, in accordance with agreements relating to the division of territorial powers and responsibilities, the Palestinian Authority should be responsible for the health of the bulk of the population in Gaza and Nablus, the only exception being the few thousand Palestinians still living in Area C, who were nonetheless free to move to Areas A and B if they so wished.

45. The issue of absentee owners was somewhat broader than Mr. Sadi's question implied and concerned Jordanians, Jews and people from all over the world who at one time had owned land and property in what was now Israeli territory. An appeal had recently been rejected by the Supreme Court concerning an Israeli Jew who had owned property in the West Bank prior to 1948 and had subsequently lost it under the Jordanian custodial regime.

46. He rejected the assertion that Arabs lived in ghettos in Israel. There was no legal obstacle to Arabs renting or leasing property on State-owned land in Western Jerusalem or any other city in the State of Israel. Private property was of course a different matter, but most of the land in Israel was owned by the State; different regulations applied to property owned by the Jewish National Fund. Admittedly, there might be practical problems in daily life: Orthodox Jews might not wish to rent property to Arabs fearing its effects on the neighbourhood.

47. He did not believe that problems relating to refugees fell within the scope of the Covenant. It was a complex issue, which required multilateral negotiations between the parties concerned.

48. Mr. WIMER ZAMBRANO regretted that there had not been any opportunity to focus the debate on what he deemed the most important issue, namely whether the policies of the State party were contrary to the provisions of the Covenant. He wished to provide some statistical information which bore out the widely held view that Israel had pursued a policy of internal colonialism and, together with Zionist organizations, had used every possible means to expropriate land from its rightful owners.

49. Jews now owned 93 per cent of the territory of Israel, as compared with 5.6 per cent in 1947, the year of the division of Palestine. The Palestinian community was growing fast and it was reckoned that by the year 2020 Palestinians would represent 25 per cent of the population. The sooner Israel accepted the multi-ethnic nature of the nation, the sooner peace would be established and international treaties such as the Covenant would be fully complied with.

50. An example of Israeli policy that ran counter to the Covenant was its violations of the right proclaimed in article 11 to an adequate standard of living, including housing. He cited: massive expropriation of Palestinian land since 1967, with deportation or expulsion of Palestinians; destruction of homes and entire villages (385 since 1975); abuse of water resources (average annual consumption 2,000 cubic metres per Israeli and 150 cubic metres per Palestinian); building of Jewish settlements on confiscated or occupied territory (194 since 1967). Those and other violations were the result of policies which accorded supremacy to one ethnic group to the detriment of others. Such problems could not be resolved until Israel guaranteed equal legal and political rights for all its citizens.

51. Mr. BLASS (Israel) said he was not in a position to comment in detail on the statistics provided, apart from agreeing, like most Israelis, that occupation of territory was not a satisfactory solution. Since 1993 efforts had been under way to resolve the very complex problem of occupied territories, involving long and arduous negotiations. Perhaps some of the statistics mentioned related to land that had already been transferred to the Palestinian authority as a result of such negotiations. Efforts along those lines would be pursued in the light of the ratification the previous day by the Israeli Parliament of the Wye River agreement. Problems relating to settlements, borders, water resources and refugees would be dealt with as part of that process, and he hoped that acceptable solutions would eventually be found. His delegation had endeavoured to concentrate on legal matters relating to the implementation of the Covenant, rather than entering into a political debate, which hardly seemed appropriate in such a forum. He confirmed that 93 per cent of the territory of Israel was currently owned by the State. However, that did not hinder Arabs from living there; indeed, most Bedouin villages had been built on such land.

52. Mr. AHMED observed that the Law of Return allowed people of Jewish origin, who had never set foot in Israel before, to acquire Israeli citizenship upon their arrival. In recent years many Russians and Ethiopians had benefited from that law. Yet now apparently the most senior Rabbinical authorities in Israel had decided that those immigrants were not really Jews. What would become of them, and would they be allowed to stay in the State of

Israel? Why were Palestinians of Israeli birth or ancestry, but who had spent more than seven years abroad, not granted similar privileges? Was that not tantamount to discrimination?

53. He requested the Israeli delegation to provide, at its own convenience, a statistical breakdown of land expropriated from Jews and other ethnic groups.

54. With regard to education he had two main concerns. The first related to the declaration by a Supreme Court judge that education was not recognized as a constitutional right. Secondly, he was interested to note from statistics provided in the report and elsewhere, that the school drop-out rate among Arabs aged 14 to 17 was twice as high as among Jews. Also, approximately four times as many Arabs as Jews failed to reach twelfth grade. The school drop-out rate of ethnic Ethiopians was also very high - around 45 per cent. Only 5.3 per cent of university students were Arabs, though Arabs represented some 20 per cent of the population.

55. Israel enjoyed a reputation for having an excellent health-care system, yet many poor Arabs did not have access to it. Likewise, they were deprived of essential services and facilities such as housing, water and refuse collection. How did the State of Israel intend to deal with such glaring discrepancies?

56. Other causes of concern included the demolition of the houses of innocent people as a form of collective punishment in retaliation for terrorist attacks and the abuse of water resources by Israeli settlers in Gaza and the West Bank.

57. Mr. BLASS (Israel), responding to comments on the Law of Return, remarked that those responsible for killing and torturing Jews in concentration camps had not scrupulously verified whether they were Orthodox Jews; their Jewish ancestry had sufficed. He confirmed that, as a Jewish State, Israel encouraged the return of Jews and that the law in question applied to the sons and grandsons of Jews, for experience had shown that such persons might need protection. In view of its small size, Israel had to be rigorous in its immigration policies. With regard to permanent residents, if before leaving the country they acquired Israeli citizenship, they would be allowed to return even after a lapse of seven years. The fact was that many permanent residents of Palestinian origin refused Israeli citizenship, thereby forfeiting their right to return. However, an exception was made for former residents who could prove that they had spent more than seven years abroad studying and had not gone with the intention of changing their place of residence. Such claims were of course vetted by the competent authorities. He could provide statistics on the subject if necessary.

58. It would, however, be difficult to provide statistics on land confiscation along the lines requested by Mr. Ahmed, for land had been confiscated over the years under different regulations for a variety of purposes, such as building roads, army training, or electricity and water supplies. There was the additional aspect of absentee property, to which different legislation applied. He did not deny that much land had been confiscated since the founding of the State of Israel, but statistics thereon

were not available and it would be an extremely complex and time-consuming task to compile them. In any case, it seemed more appropriate to look forward and assess whether the Government was allocating sufficient land to provide for the future needs of the Israeli population.

59. The CHAIRPERSON disagreed; the Committee also needed information on the situation in the reporting country in the distant and recent past. In view of the grave concerns expressed concerning expropriation of land and property, it would be advisable for the delegation to make an effort to provide such information in due course.

60. Mr. BLASS (Israel) said it was not his intent to conceal information. Any relevant data available would be forwarded to the Committee. The problem was that data were collected by the different entities (town councils, electricity boards, etc.) responsible for the confiscation and it would take considerable time to prepare statistics with a breakdown by ethnic origin.

61. Mr. SHANY (Israel) said that the current situation with regard to the constitutional status of the right to education was explained in paragraph 609 of the initial report (E/1990/5/Add.39). It was to be hoped that the situation would improve once the relevant Basic Law had been passed. Free education, equality of education and freedom of choice in education were undoubtedly recognized in Israeli law, and the absence of their constitutional recognition had not led to problems. The report acknowledged the educational disparities between the Jewish and Arab sectors, and resources were being allocated to rectifying them. Twelfth grade education was free but not compulsory: hence the larger number of students dropping out of the last year of school. The statistics on university education were distorted by the fact that proportionally more Arab than Jewish students chose to pursue their university studies abroad. Ethiopian Jewish students certainly experienced considerable difficulty in integrating in the Israeli education system, principally because of the marked differences from the Ethiopian system. An Ethiopian Jewish student was typically allocated four times the resources allocated to any other Jewish student.

62. Mr. BLASS (Israel) said that under Defence Regulation No. 119 of 1945, a legacy of the British authorities, the Military Governor could authorize the demolition of a house occupied by a terrorist or used to conceal ammunition. That power had been used very seldom, and only after the most careful consideration, chiefly as a response to the intractable problem of suicide bombers. There was some evidence that the measure had a deterrent effect. Care was taken to ensure that other families did not suffer in consequence. Moreover, although such action was theoretically authorized under Regulation No. 119, no village had ever been destroyed in retaliation for the act of an individual.

63. Mr. AHMED said he had in mind recent television coverage of an incident in which the dwelling of two innocent Arab women in the West Bank had been demolished under the supervision of the Israeli armed forces, leaving them homeless, because the site was wanted for the construction of a Jewish settlement.

64. Mr. BLASS (Israel) said he was not familiar with the case alluded to. However, he had absolutely no doubt that the house in question had been demolished, not in order to make room for a Jewish settlement, but because it had been erected without planning permission.

65. The issue of water rights was dealt with in detail in article 40 of the third annex to the Interim Agreement of September 1995. Under that agreement, Israel had undertaken to supply 19,000 cubic metres of water per day to the Palestinians. In actual fact it supplied a considerably greater amount - between 23,000 and 25,000 cubic metres per day. Specific water supply problems that arose were attributable to a variety of local difficulties.

66. Mr. MARCHÁN ROMERO said he was not convinced by the Israeli delegation's attempts to justify its failure to produce statistics. According to paragraph 20 of Israel's written replies to the list of issues, land expropriated in East Jerusalem was to be used to provide housing for non-Jews and Jews alike. However, according to statistics he had obtained from one NGO, that land had been used almost entirely for the construction of about 40,000 housing units for Jews, and almost none had been allocated to Arabs. How could those figures be reconciled with the provisions of the Covenant concerning non-discrimination and the right to housing?

67. Mr. BLASS (Israel) noted that Mr. Ahmed's question was much broader in scope than Mr. Marchán Romero's. It was difficult to know how to set about gathering relevant statistics when the issue addressed had not been clearly defined. However, he would endeavour to produce statistics relating to both questions.

68. Mr. RIEDEL endorsed other members' expressions of concern on the question of equality of treatment in matters of land expropriation. With regard to rates of matriculation, he noted from the report of the Israel Committee for Equality in Education (HILA) that, in the development towns and poor neighbourhoods, considerably fewer resources were devoted to Israelis of African or Asian descent and immigrants from Ethiopia and the Commonwealth of Independent States (CIS) countries than to other Jews. That allegation did not tally with the Israeli delegation's assertion that proportionately four times more resources were allocated to those groups. What was being done to improve the situation?

69. On special education, it was alleged that the drug ritalin, which was addictive and had severe side effects, was forcibly administered to children suffering from hyperactivity or attention problems. What was being done to stop those illegal practices?

70. It was also alleged that children suffering from relatively mild disabilities were frequently placed in the system established under the 1998 Special Education Law to deal with children suffering from severe disabilities such as autism or with violent tendencies. Not only did such children's academic performance soon decline, but it seemed that the onus of proving that their children did not need special education was on the parents, who

apparently did not even enjoy the right to be heard by the placement committee. In countries such as the United Kingdom and Italy the burden of proof in such cases lay with the State.

71. Mr. SHANY (Israel), clarifying his earlier statement, said that more teaching hours were allocated to Ethiopian Jewish students than to non-Ethiopian Jewish students. In budgetary terms, that represented four times more financial resources per capita. While it was unrealistic to expect immediate results, there were already encouraging signs: more Ethiopian Jews now took matriculation examinations and attended university; a parallel - albeit slower - improvement was noted in the development towns. Paragraph 34 of Israel's replies to the list of issues detailed some of the special programmes designed to produce better matriculation examination scores in underprivileged areas.

72. Forcible administration of ritalin was illegal in Israel. The problem, as also in the case of children placed in special education, lay not with the law but with its implementation. Domestic remedies were available to the parents of the children affected. There had formerly been a tendency to place all disruptive pupils in special education, sometimes without any real justification. Such pupils were now normally accommodated in the ordinary system, through recourse to special programmes and teacher training. Over the past decade the proportion of pupils in special education had fallen significantly.

73. Ms. JIMÉNEZ BUTRAGUEÑO asked whether there were any programmes designed to bring the Jewish and Arab cultures closer together, or to teach human rights in schools and to the police and armed forces. Not enough information had been provided on the status of Arab and Jewish women. She also asked for additional information on family reunification, particularly of Palestinians.

74. Section 4 D of the report of the NGO Betselem (Save the Children) referred to the situation in the occupied territories with regard to child labour, which was often crucial to families' very survival. Something must be done to ensure that children were not compelled to work by economic necessity. On the question of housing, she asked whether any Palestinian settlements had been constructed recently, and whether any incentives were offered for their construction. She also asked whether Palestinian children enjoyed the same right to special education as did Jewish children. Lastly, she hoped to be able to read in Israel's next report that Palestinian and Jewish children attended the same schools, thereby fostering intercultural understanding.

75. Mr. SHANY (Israel) said that section 2 of the written replies to the list of issues gave details of programmes already undertaken in schools involving the joint teaching of subjects to Arabs and Jews, and to secular and non-secular Jews. Several State-financed NGOs conducted training seminars on human rights for the police and armed forces. A Foreign Office "people-to-people working group" was entrusted with the task of fostering closer understanding between the communities. One of the findings of the Kremnitzer report on the reform of civics education had been that inculcation of such values needed to be improved, with instruction provided from the outset of formal education. Those findings had been adopted by the Minister of Education, and teachers were being trained accordingly.

76. Mr. ATLAN (Israel) said that the reason why the initial report contained relatively little information on the situation of women and children was that comprehensive information on the former had been presented in the report (CEDAW/C/ISR/1-2) submitted to the Committee on the Elimination of Discrimination against Women in 1997, while Israel was due to submit its report to the Committee on the Rights of the Child shortly. Israel was subjected to close scrutiny by the ILO on all labour issues, including child labour. He had been unable to trace the allegation referred to by Mr. Texier that Israel was in breach of ILO Convention No. 111.

77. Mr. BLASS (Israel) said that, according to information he had obtained from the military authorities, more than 3,000 housing units had been constructed or extended without planning permission in the West Bank over the past three years. It was an indication of the true policy of the Jerusalem municipality that none of those illegal structures was to be demolished. In that regard he referred the Committee to paragraph 21 of the written replies to the list of issues.

78. The CHAIRPERSON said that, whatever the outcome, the dialogue between the Committee and the Israeli delegation had been a very rewarding process. The role of NGOs, their interaction with the delegation, and the latter's responsiveness to the issues posed had resulted in a very satisfactory exchange.

79. Mr. BLASS (Israel) said that the dialogue in which his delegation had engaged with the Committee would be fruitful both for the Government and for the population as a whole, and would give a further boost to the positive trend towards realization of economic, social and cultural rights already apparent in his country.

80. The delegation of Israel withdrew.

The meeting rose at 1.05 p.m.